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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant : Thomas DODT et al.

Group Art Unit: 1733

Appln. No. : 09/800,477

Examiner: A. C. Johnstone

Filed : March 8, 2001

For : MOTOR VEHICLE WHEEL WITH A TIRE PLACED ON A WHEEL RIM
AND A SOUND-ABSORBENT INSERT AS WELL AS A PROCESS FOR
MANUFACTURING A SOUND-ABSORBENT INSERT

APPEAL BRIEF

Commissioner For Patents
PO Box 1450,
Alexandria, Virginia 23313-1450

Sir:

This appeal is from the Examiner's final rejection of January 29, 2003. Appellant filed a Notice of Appeal on May 7, 2003, along with a request for a one-month extension of time, and is filing this Appeal Brief within the two-month due date of July 7, 2003.

A. REAL PARTY IN INTEREST

The real party in interest for the invention is Continental Aktiengesellschaft of Hannover, Germany by an assignment recorded in parent U.S. application No. 08/955,920 (now U.S. Patent No. 6,244,314) in the U.S. Patent and Trademark Office on May 15, 1998 at Reel 9188 and Frame 0393.

B. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences which would directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

C. STATUS OF CLAIMS

Claims 1-3 and 6-21 stand finally rejected under 35 USC 112, second paragraph, as being indefinite.

Claims 1-3 and 6-21 stand finally rejected under 35 USC 112, first paragraph, as containing new matter.

Claim 6 stands finally rejected under 35 USC 102(b) as being anticipated by European Application 0 663 306 (hereinafter EP '306).

D. STATUS OF AMENDMENTS

The response to the Final Official Action filed on March 31, 2003 has been considered, as indicated in the April 21, 2003 Advisory Action. Moreover, the Examiner indicated in the Advisory Action that the Amendment filed March 31, 2003 would be entered for purposes of Appeal. No amendment, other than the aforementioned Amendment, has been filed following the final rejection.

E. SUMMARY OF INVENTION

By way of non-limiting examples, the invention is directed to a vehicle wheel having an insert of sound absorbing material. Figs. 1 and 2 show a conventional wheel rim 1 for a tire 4 that is equipped with a drop base 2, rim beads 3, and bead seat surface 3a. A ring 5 of sound-absorbing material is situated inside the sealed interior space between the tire 4 and the wheel rim 1. The ring 5 is wrapped around and seated on the wheel rim 1 and can be made of open-pore foamed materials that are particularly well suited for air sound absorption. These materials can be, for example, PU-foams with a weight around 50 kg/m^3 and a mean pore content of approximately 2 mm^3 . Other effective sound-absorbing materials can also be utilized as starting material for the ring 5 such as felt, absorbing cotton, and materials of similar structure. Although the specification makes reference to foamed material rings, it is, as mentioned earlier, also possible to use other materials. *See paragraphs [0049] and [0050] of the specification.*

The foamed material ring 5 is constructed such that it covers the drop bed 2 but does not fill the drop bed 2 entirely and extends between the two tire beads of the tire 4. The foamed material ring 5 is otherwise constructed such that its cross section possesses a round to rectangular cross section. In the illustrated embodiment of Fig. 1, the cross section of the ring 5 resembles a rectangle with rounded edges. *See paragraph [0051] of the specification.*

The invention aims to make the air sound-absorbing inserts such that they weigh as

little as possible. Moreover, it is preferable that the sound-absorbing material does not deform or does so only slightly when the tire is rolling. Preferably, the sound-absorbing material does not deform or does so only slightly when the tire experiences centrifugal forces which are noticeable at higher velocities. This resilience to centrifugal forces ensures that the desired, original, and designed sound-absorbing properties do not change during operation, i.e. during the rolling of the tire or vehicle wheel. *See paragraph [0052] of the specification.*

As can be seen in Figs. 1 and 2, the foamed material ring 5 is surrounded on its exterior by an acoustically transparent, woven mesh that is constructed in a mesh-like manner. This woven mesh acts as a support element. Moreover, the woven mesh 6 can completely wrap the insert 5 or it can wrap only that portion of the foamed material ring 5 that does not make contact on the wheel rim 1. This latter arrangement is particularly advantageous when the foamed material ring 5 is glued to the wheel rim 1. *See paragraph [0053] of the specification.*

The acoustically transparent woven mesh 6 contains fibers that have tensile strength in the circumferential direction and provide the foamed material ring 5 the required strength with respect to the centrifugal forces. These fibers with a particularly high degree of tensile strength can, for example, be made of nylon or of aromatic polyamide. In the axial direction, the fibers can be designed of a material exhibiting a lower thickness. This arrangement is

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advantageous because it reduces the weight of the ring 5. *See paragraph [0054] of the specification.*

The support element(s) in the form of woven mesh 6, when projected into a plane parallel to the progression of the support elements, provides acoustical transparency because it exhibits more empty surfaces than fibers. *See paragraph [0055] of the specification.*

The woven mesh 6 can be attached to the foamed material ring 5 in a number of ways. It can be attached by wrapping and subsequently closing the seam by welding. It can be attached by gluing. It can also be attached by utilizing a special locking mechanism. Finally, it can be sealed to the exterior in a tear-proof manner. If there is a seam, one should also, depending on the location of the seam, pay attention to the appropriate sound transparency.

See paragraph [0056] of the specification.

The foamed material ring may be installed by being pulled over the wheel rim as a closed ring. In this case, the foamed material ring 5 is preferably wrapped entirely or partially with the woven mesh 6 after assembly, i.e., after being placed on the rim. The foamed material ring 5 can be attached to the woven mesh 6 in a number of ways such as, by welding, thermal gluing, or similar measures. *See paragraph [0057] of the specification.*

The invention also contemplates that the foamed material ring 5 is already supplied with the support element 6 arranged on one side and/or on the lateral surfaces before it is assembled to the rim. In this case, the assembly of the arrangement can occur simply by

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rolling up the ring before insertion and pulling it over the wheel rim 1 in that position. *See paragraph [0058] of the specification.*

Fig. 1A shows one possible embodiment in which the foamed material ring 5 is pre-shaped in a ring-shaped manner and cut open or slit at one location for assembly. In this case, the support element 6 can also be mounted before the ring is assembled to the rim. The slit can be closed again by gluing it after assembly onto the rim. *See paragraph [0059] of the specification.*

Fig. 1B shows another embodiment of a ring 5. This embodiment utilizes two segments 5a. In this embodiment, the ring can thus be manufactured as two pieces. Alternatively, the ring can be manufactured as a single piece which is subsequently split into segments by cutting. The two parts can then be glued or attached in a manner similar to that described above with regard to Fig. 1A. *See paragraph [0060] of the specification.*

Instead of a woven mesh, the support element 6 can alternatively be perforated foil. The foil can, in particular, consist of a synthetic material. The foil can also preferably be designed to have uniform perforation. As in the embodiment where the support element is a woven mesh, one should pay attention to the acoustical transparency in this embodiment by letting the surface area of the holes dominate. The foil can be mounted in an adhesive fashion on the foamed material, in a manner that is analogous to the embodiment utilizing a woven mesh. *See paragraph [0061] of the specification.*

In order to ensure an optimal functioning of the present invention, it is important that the foamed material ring 5 is positioned as closely to the wheel rim 1 as possible. It can therefore also be advantageous to glue the ring 5 onto the wheel rim 1. *See paragraph [0062] of the specification.*

In the alternative embodiments illustrated in Figs. 1A and 1B, the foamed material ring 5 can be manufactured with an inner contour that corresponds to the contour of the wheel rim 1 with drop base. Further, the assembly of the ring onto the rim is facilitated by providing the foamed material ring in segmented form. *See paragraph [0063] of the specification.*

Fig. 3 shows another embodiment of the invention. Here, a foamed material strip 7 of appropriate width is utilized instead of the closed foamed material ring. The strip 7 is wrapped around the wheel rim 1 in at least two layers. The foamed material strip 7 can thus be wrapped in several layers. The strip 7 can also conform to the contour of the wheel rim 1. A single strip (as shown in Fig. 3A) can be utilized, for example, to facilitate its conformity to the contour of the wheel rim. Alternatively, more than one strip can also be used, for example, to facilitate its conformity to the contour of the wheel rim. *See paragraph [0064] of the specification.*

In order to improve the resilience of the ring 5 with respect to a centrifugal force, the foamed material strip can also contain support elements that are constructed as either a

woven mesh or a foil. As described above, one can mount the support elements in this embodiment onto the completely wrapped ring, or, in a particularly advantageous way, the support elements can be applied, preferably in an adhesive manner, to the foamed material strip 7 before it is wrapped around the wheel rim. *See paragraph [0065] of the specification.*

Each layer of the wrapped foamed material strip 7 can contain a layer of support elements. In this embodiment, it is sufficient if only one side (which should be the outer side in the radial direction in the wrapped state) is coated with the support element. *See paragraphs [0066] and [0067] of the specification.*

It is particularly advantageous if the support elements exert a certain tension on the sound-absorbing material 5. This can be achieved in the embodiment which utilizes a woven mesh by using a support element material that is able to flex to a certain degree. In another preferred embodiment, this material strongly stiffens after surpassing a certain degree of flexing. It can be particularly advantageous to utilize materials that begin to stiffen in the range of 10 to 60% flexing. *See paragraph [0068] of the specification.*

In order to create a pre-tension, materials that shrink under thermal straining can be used for the support elements. Materials that shrink with thermal treatment can also be used for the foamed material of the ring. The foamed material ring can even be put under tension by each of these measures. This can ensure that the ring is seated on the wheel rim 1. *See paragraph [0069] of the specification.*

Fig. 4 shows another embodiment of the invention. In this embodiment, the foamed material of the foamed material ring 5' can itself act as a support element. In order to provide for such a design, the foamed material is processed such that longitudinal-shaped pores 5'a are created in the foaming process. These pores can, at least for the most part, point in one direction, i.e., the circumferential direction of the wheel rim or tire. In order to ensure that this occurs, as illustrated schematically in Fig. 7, the raw material for the foam (for example the polymer 7 and the foaming agent 8) can be admixed and fed through an extrusion jet 9 during the foaming process. In this way, the before-mentioned longitudinal pores 5'a can be formed. The extrusion direction, and thereby the direction of the pores 5'a, are created in the longitudinal form, which coincides with the direction of the ring 5' being created. Foamed material created in this manner thus exhibits a greater degree of firmness and stiffness in the circumferential direction than in the circumferential direction. In this way, the resilience to the centrifugal force is improved. *See paragraph [0070] of the specification.*

The invention also contemplates mixing fiber pulp into the material to be foamed either before or with the addition of the reacting additives. This is particularly useful for vehicle tires that are designed to be suitable for higher speeds and for which the centrifugal force up-take of the sound-absorbing insert should be appropriately larger. A foamed material ring 5" created in this way is illustrated in Fig. 5. During the extrusion process, fibers 10 are arranged so that they predominantly orient in one direction, i.e. in the direction

of the longitudinally stretched pores 5"^aa. These fibers 10 act to increase the stiffness and firmness of the foamed material ring 5", in the direction of the circumference, without adding a large mass to the ring. Of course, the increased tensile strength created by the fibers 10 means that the assembly of the ring 5" on a single-piece wheel rim is hampered. However, it is still possible to assemble the ring to the rim because the fiber additives generally do not lower the tear flexibility. Because of the virtually unchanged softness of the ring 5" in the radial and the axial direction, and the at most average softness in the axial direction, an assembly process is conceivable whereby the ring 5" is pulled over the wheel bead by taking advantage of the drop base in wobble position. *See paragraph [0071] of the specification.*

Fig. 6 shows still another embodiment of a foamed material ring 5". This embodiment contains fibers 10' which are oriented in the circumferential direction but whose pores 5"^aa do not have a preferred orientation. The manufacturing of such a ring 5"^aa is, for example, possible by allowing the foaming of the raw material containing the fibers 10' only to occur after passing through the extrusion jet in which an appropriate orientation of the fibers 10' takes place. *See paragraph [0072] of the specification.*

With an appropriately equipped duplex extruder, it is possible to keep a radially outer layer on the ring free of reinforcing fibers. As a result, this layer can be kept thin, for example, between 0.5 and 2 mm, if it is to be arranged close to the wheel rim. The layer can also, for example, measure between 1 and 6 mm, if it is to be arranged close to the running

surface. *See paragraph [0073] of the specification.*

The invention also contemplates utilizing different combinations of the individual embodiments. For example, an embodiment with oriented pore and/or fibers can be combined with an enclosing support element. Even though only sound-absorbing inserts arranged close to the wheel rim are illustrated, the present invention is not limited to such scenarios. Inserts in accordance with the invention can also be advantageously utilized in an arrangement that is close to the running surface, and in particular, in an arrangement immediately radially inside the running strip. *See paragraph [0074] of the specification.*

The invention encompasses other embodiments and/or features which are not described herein. However, all the claimed features have been explained with sufficient clarity to enable the reader to understand the invention.

F. ISSUES ON APPEAL

- (1) Whether the Specification Is Improperly Objected to Under 35 U.S.C. section 132, as Introducing New Matter.**
- (2) Whether Claims 1-3 and 6-21 Are Improperly Rejected Under 35 U.S.C. section 112, Second Paragraph, as Being Indefinite.**
- (3) Whether Claims 1-3 and 6-21 Are Improperly Rejected Under 35 U.S.C. section 112, First Paragraph, as Containing New Matter.**

(4) Whether Claim 6 Is Improperly Rejected Under 35 U.S.C. section 102(b) as Being Anticipated By EP 0 663 306 (EP '306).

G. GROUPING OF CLAIMS

The following groups of claims are considered to stand or fall together, but only for the purpose of this appeal: No claims stand or fall together.

H. ARGUMENT

(1) The Objection of the Specification Under 35 U.S.C. section 132, as Introducing New Matter is in Error, the Examiner's Decision to Object to the Specification Should be Reversed, and the Application Should be Remanded to the Examiner.

Reversal of the objection to the specification under 35 USC 132, as introducing new matter is requested.

The Examiner asserts that paragraphs [0029], [0031] and [0033]-[0035] of the instant continuation application, which were added at the time the instant application was filed, introduce new matter.

As Appellant has maintained all along, these paragraphs were added to the continuation application to provide antecedent support for the claims presented therein, and

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recite the same language used in the claims. For Example, paragraph [0029] corresponds to claim 1 of the instant application, paragraph [0031] corresponds to claim 3, and paragraphs [0033]-[0035] correspond to claims 6-14.

Furthermore, Appellant has already specifically pointed out that the language used in these paragraphs (and the claims) find clear support in the parent application 08/955,920 (Attorney Docket No. P16090.S01). A copy of this application has already been provided to the Examiner. Moreover, as the instant continuation claims benefit to the parent application and expressly incorporates by reference the disclosure of the parent application (see paragraph [0001] of the instant application), Appellant is entitled to rely on the entire disclosure of the parent application.

Appellant further notes that the proper standard by which to measure whether the instant continuation application contains new matter is by comparing its disclosure to that of the parent application. Thus:

Paragraph [0029] finds support in the parent application on, e.g.: page 3, lines 5-6, 10-11, 18-21; page 4, lines 2, 10-12, 16-18; page 5, line 29; page 6, line 7; page 7, line 21-23; page 8, lines 1-6; and page 10, lines 1-2, 15-16, 22-25, wherein it explains how orienting the layer of fibers in the circumferential direction provides tensile strength to the insert to resist centrifugal forces. Note that, e.g., page 8, lines 12-14 specifically indicates that the mesh can be attached by wrapping - a description which clearly and inherently supports language

designating this as a layer. With regard to the assertion that the specification lacks support for the support element being “coupled” to the insert, Appellant directs the Examiner’s attention to page 3, lines 29-30, page 5, lines 5-6, page 7, lines 25-29, and in particular, page 8, lines 12-14 which specifically explains that support element (i.e., woven mesh) “can be attached to the foamed material ring 5”. See also page 8, lines 20-21 for how such attachment can be accomplished. See also page 8, lines 23-24 and Fig. 2. Finally, while Appellant acknowledges that the parent application does not specifically use the term “coupled” or “connected”, it should be apparent that the use of such terms are not new matter because such terms are encompassed (or find support in) the term “attached”, i.e., the term “attached” is defined by Webster’s II New College Dictionary as “[t]o connect or join”. Moreover, this same dictionary defines coupled as “[t]o link together: Connect”. A copy of select pages of this dictionary defining the terms connected, coupled and attached, is attached hereto.

Paragraph [0031] finds support in the parent application in, e.g., Figs. 3 and 3A, and on page 4, lines 4-5, page 9, lines 25-30, and page 10, lines 9-10 of the parent specification. For example: paragraph [0031] recites “Further, the acoustically transparent support element may include a plurality of support elements layers radially arranged within the insert at discrete distances from each other.” Figs. 3 and 3A clearly show an embodiment in which many support element layers are arranged in a radial manner and at discrete distances.

Moreover, it is clear that at least some of these layers are arranged within the ring 5. Finally, original claim 4 of the parent application also specifically recites that “the support element (6), when viewed in the radial direction, is arranged inside the sound-absorbing insert (7) in discrete distances from each other.”

Paragraph [0033] finds support in the parent application on e.g., page 4, lines 20-23, page 9, lines 9-14 of the parent specification. Note that foil is disclosed as an alternative to a woven mesh, and that page 9, lines 13-14, specifically indicates that the foil can be mounted to the insert ring in an “analogous” manner, e.g., in a layer or layers. For example: paragraph [0033] recites “The insert can include a plurality of radially arranged insert layers. The acoustically transparent support element may include a plurality of support element layers, and at least one of the support element layers can be positioned between each radially arranged insert layer.” Figs. 3 and 3A clearly show an embodiment in which many support element layers are arranged to surround many radially arranged insert layers 7.

Paragraph [0034] finds support in the parent application in, e.g., each figure and on page 4, lines 25 and, in particular page 4, line 29 and page 8, line 18, in, e.g., Figs. 3 and 3A, and on page 9, lines 25-30, and on page 10, lines 1-16, and in, e.g., Figs. 3 and 3A, and on page 10, lines 1-13 of the parent specification. For example: paragraph [0034] recites “According to another feature of the invention, the insert can be formed as closed ring. The closed ring may include of a strip of sound-reducing material adapted to be wrapped several

times in a ring-like manner. The strip may have at least one side coupled to the acoustically transparent support element. The acoustically transparent support element can be one of glued and welded to the strip.” Figs. 3 and 3A clearly show an embodiment in which an insert 5 is formed by a strip 7 that is wrapped in layers with all of its sides covered in support element, i.e., woven mesh. Finally, original claims 10-13 of the parent application also provide clear support for the language of this paragraph.

Paragraph [0035] finds support in the parent application in, e.g., Figs. 3 and 3A, and on page 4, lines 29-30, page 5, lines 1-3, page 9, lines 25-30 as well as page 10, lines 1-16 of the parent specification. For example: paragraph [0035] recites “The insert can include a plurality of radially arranged insert layers. The acoustically transparent support element may include a plurality of support element layers, and at least one of the support element layers can be positioned between each radially arranged insert layer.” Again, Figs. 3 and 3A clearly show an embodiment in which the insert 5 is made from a strip 7 that is wrapped in layers with all of its sides covered in support element, i.e., woven mesh. Finally, original claims 10-13 of the parent application also provide clear support for the language of this paragraph.

Thus, it is believed that all of the language in paragraphs [0029], [0031] and [0033] through [0035] are fully supported by the original disclosure of the parent application. Thus, for reasons given above, reversal of the Examiner’s decision to finally object to the

specification as introducing new matter is requested.

(2) The Rejection of Claims 1-3 and 6-21 Under 35 U.S.C. section 112, Second Paragraph, as Being Indefinite is in Error, the Examiner's Decision to Reject These Claims Should be Reversed, and the Application Should be Remanded to the Examiner.

Reversal of the rejection of claims 1-3 and 6-21 under 35 USC 112, second paragraph, as being indefinite is requested.

In the rejection, the Examiner made numerous assertions which Appellant is honestly unable to fully understand and contemplate. For example, rather than focusing on the claim language, the Examiner begins this rejection by purportedly pointing to what “Applicants now argue”. The Examiner then explains that Appellants purport to construe the claims in a particular asserted manner which itself, the Examiner asserts, renders the claims indefinite. The Examiner then undertakes a detailed, and wholly inexplicable and confusing analysis of the claim language with numerous citations to case law. Appellant is honestly unable to unravel the basis for this rejection. However, Appellant will attempt to address each and every issue raised by the Examiner.

The Examiner asserts that claim 1 is indefinite, apparently because it recites an acoustically transparent support element comprising *at least one layer of fibers oriented in*

a circumferential direction and having a centrifugal force resisting tensile strength, at least in the circumferential direction of the tire, wherein the centrifugal force resisting tensile strength is achieved by the at least one layer of fibers oriented in the circumferential direction, and *the acoustically transparent support element being coupled to the insert*. Apparently, the Examiner confuses fibers 10 and 10" of the embodiment shown in Figs. 5 and 6 for the fibers of the support element 6 shown in, e.g., Fig. 1. However, such an interpretation relates more to the Examiner's misunderstanding of the claim language, than to the claims themselves. For example, if the Examiner took note of the language of paragraph [0054] of the instant application, she would see that the woven mesh support element 6 of Fig. 1 is disclosed as containing "fibers that have tensile strength in the circumferential direction". Moreover, as discussed above, the specification provides inherent and clear support for coupling the support element 6 to the insert ring 5. See paragraph [0056] which recites that "[t]he woven mesh can be attached to the foamed material ring 5" (emphasis added). Finally, Appellant's use of the term "layer of fibers" is clearly supported by Fig. 1, i.e., woven mesh 6 is clearly shown as forming one layer of fibers arranged on an outer surface of ring 5. Moreover, Fig. 3 shows many layers of the woven mesh support element 6. Accordingly, it is apparent that one of ordinary skill in the art, having read the specification, would have little difficulty understanding the claimed invention recited in claim 1.

The Examiner next asserts that claim 6 is indefinite, apparently because it recites the term “foil”. The Examiner characterizes this term as a relative term and even defines it as a very thin layer. The Examiner further asserts because the specification and the claims do not define its thickness, the scope of the claim is rendered uncertain. Appellant respectfully disagrees. Appellant has never asserted that it is the inventor of a foil or foils. Appellant acknowledges that foils are entirely conventional. On the other hand, their use on an insert, as claimed and described in the instant application, is not believed to be conventional. Moreover, Appellant notes that the Examiner’s definition is not entirely accurate since the above-noted Webster’s II dictionary defines foil as a thin flexible sheet of metal. Accordingly, Appellant submits that one of ordinary skill in the art would have no difficulty understanding what is meant by the term “foil” in the context of the invention.

The Examiner also asserts that claim 7 is indefinite because it contradicts claim 6. Specifically, the Examiner explains that because claim 6 recites that the foil extends in the circumferential direction, it cannot also be isotropic. Appellant respectfully disagrees. The term “isotropic” is defined as “identical in all directions” by the above-noted dictionary. Thus, a foil is isotropic if it is identical in all directions, e.g., it has the same thickness, texture, surface characteristics, material, etc., in all directions. On the other hand, this does not mean that the isotropic nature of the foil changes when it is oriented in a certain way such as, e.g., circumferentially. Surely, a foil does not automatically, as the Examiner appears to

assert, lose its isotropic characteristic simply because one shapes, orients, moves it to a particular position, or fashions it in a particular manner.

The Examiner next asserts that claim 10 is indefinite because it is inconsistent with the specification. Appellant respectfully disagrees. Claim 10 recites “[t]he motor vehicle wheel in accordance with claim 9, the strip having at least one side coupled to the acoustically transparent support element.” On the other hand, Figs. 3 and 3A clearly show a strip 7 that has a support element (i.e., woven mesh) covering one or more of the sides. Moreover, paragraph [0065] explains that the support element can be either a woven mesh or a foil that is adhesively applied to the strip. As is well known, something that is adhesively attached is certainly “coupled”. Finally, paragraph [0067] explains that “[i]n this embodiment, it is sufficient if only one side (which should be the outer side in the radial direction in the wrapped state) is coated with the support element” (emphasis added).

Appellant further notes that the essential determination as to whether the claims satisfy 35 U.S.C. 112, second paragraph, requires a consideration as to whether the claims set forth the invention with a reasonable degree of precision and particularity. The definiteness of claim language is not analyzed in a vacuum, but rather, is considered in light of the prior art teachings and in view of Appellant’s disclosure, as it would be interpreted by one having the ordinary level of skill in the pertinent art. *In re Moore*, 439 F.2d 1232, 169 USPQ 236 (CCPA 1971).

In rejecting a claim under section 112, second paragraph, the Examiner is required to establish that one of ordinary skill in the art, when reading the claims in light of the specification, would not have been able to ascertain with a reasonable degree of precision and particularity the particular area set out and circumscribed by the claims. *Ex parte Wu*, 10 USPQ 2d 2031, 2033 (B.P.A.I. 1989). If the disclosure and claims are sufficient for one skilled in the art to understand, the Examiner "should not reject claims or insist on their own preferences if other modes of expression selected by applicants satisfy the statutory requirements." MPEP 2173.02.

Accordingly, Appellant submits that, measured against the correct standard enunciated above, none of the claims are indefinite. Thus, for reasons given above, reversal of the Examiner's decision to finally reject claims 1-3 and 6-21 as indefinite is requested.

(3) **The Rejection of Claims 1-3 and 6-21 Under 35 U.S.C. section 112, First Paragraph, as Containing New Matter is in Error, the Examiner's Decision to Reject These Claims Should be Reversed, and the Application Should be Remanded to the Examiner.**

Reversal of the rejection of claims 1-3 and 6-21 under 35 USC 112, first paragraph, as containing new matter is requested.

In the rejection, the Examiner again made numerous assertions which Appellant is

honestly unable to fully understand and contemplate. For example, the Examiner purports to inform Appellant of which language Appellant has literal generic support for, and which subgeneric and species language Appellant is entitled to claim. The Examiner then again undertakes a detailed, and wholly inexplicable and confusing analysis, of the claim language with numerous citations to case law. Again, Appellant is honestly unable to unravel the basis for this rejection. However, Appellant will attempt to address each and every issue raised by the Examiner.

The Examiner has asserted that there is no literal support in the parent application for the language recited in claim 1. Moreover, the Examiner has gone to great lengths to opine on what claim language would have such support. The Examiner then concludes that there is no support for the phrases “coupled to” and “at least one layer of fibers oriented in a circumferential direction.” Appellant respectfully disagrees.

Apparently, the Examiner has failed to consider the fact that the original drawings, the specification and the claims all make up the original disclosure in evaluating section 112, first paragraph. The Examiner is also apparently under the erroneous belief that claim terms must find exact “literal support” in the disclosure. Appellant submits that the Examiner is entirely incorrect on both counts.

With regard to the term “coupled to”, Appellant again reminds the Examiner that Figs. 1 and 2 show a woven mesh support element 6 in the form of a layer covering the insert

5. Indeed, Fig. 3 shows another embodiment which uses many layers or woven mesh support elements 6. It is also clear from, e.g., page 5, lines 5-6 and page 9, lines 9-14 of the parent application (as filed), and paragraphs [0021], [0056] and [0061] of the instant continuation application, that the specification described various ways that the support element 6 can be attached, i.e., coupled to or connected to, the ring 5. For example, paragraph [0056] specifically states that “[t]he woven mesh 6 can be attached to the foamed material ring 5”. As discussed above, the term “coupled” finds support in Appellant’s use of the term “attached”.

With regard to the term “at least one layer of fibers oriented in a circumferential direction”, Appellant reminds the Examiner that Figs. 1 and 2 clearly show a woven mesh support element 6 with fibers oriented in the circumferential direction, i.e. most of the fibers shown in Fig. 2 are clearly oriented in the circumferential direction. It is also apparent from, e.g., page 5, lines 16-18 and page 8, lines 1-3 of the parent application (as filed), that the mesh 6 is so oriented to provide tensile strength.

As explained above, claim 1 (which is also described in paragraph [0029] of the instant application) finds support in the parent application on, e.g.: page 3, lines 5-6, 10-11, 18-21; page 4, lines 2, 10-12, 16-18; page 5, line 29; page 6, line 7; page 7, line 21-23; page 8, lines 1-6; and page 10, lines 1-2, 15-16, 22-25, wherein it explains how orienting the layer of fibers in the circumferential direction provides tensile strength to the insert to resist

centrifugal forces. Note that, e.g., page 8, lines 12-14 specifically indicates that the mesh can be attached by wrapping - a description which clearly and inherently supports language designating this as a layer. With regard to the assertion that the specification lacks support for the support element being “coupled” to the insert, Appellant again directs the Examiner’s attention to page 3, lines 29-30, page 5, lines 5-6, page 7, lines 25-29, and in particular, page 8, lines 12-14 which specifically explains that support element (i.e., woven mesh) “can be attached to the foamed material ring 5”. Again, see also page 8, lines 20-21 for how such attachment can be accomplished. See also page 8, lines 23-24 and Fig. 2. Finally, while Appellant acknowledges that the parent application does not specifically use the term “coupled” or “connected”, it should be apparent that the use of terms are not new matter because the term “attached” is defined by Webster’s II New College Dictionary as “[t]o connect or join”. Moreover, this same dictionary defines coupled as “[t]o link together: Connect”. Again, a copy of these select pages of this dictionary, is attached hereto.

With regard to the Examiner’s assertion that the specification does not provide support for a foil that is oriented in a circumferential direction, Appellant notes that Figs. 1 and 2 and page 9, lines 9-14 clearly provide sufficient support for this feature, relative to section 112, first paragraph. Indeed, this language finds support in the parent application on e.g., page 4, lines 20-23, page 9, lines 9-14 of the parent specification. There it is explained that the foil is disclosed as an alternative to a woven mesh. Indeed, on page 9, lines 13-14, it is

specifically indicated that the foil can be mounted to the insert ring in an “analogous” manner, e.g., in a layer or layers.

Appellant is mindful of the Examiner’s extensive discussion in support of this rejection and has fully considered the Examiner’s comments and the case law cited by the Examiner. However, it has not escaped Appellant’s attention that the Examiner has failed to properly evaluate the claim language on the basis of whether the claims recite features which are fully supported by the original disclosure. Appellant has, throughout the prosecution of this application, gone to great lengths to point out how each claim is fully supported by the original disclosure. Accordingly, Appellant reiterates and incorporates those arguments herein.

Finally, while Appellant has pointed out that each feature is in fact literally and/or inherently disclosed and/or supported in the instant specification, Appellant reminds the Examiner that features can also find support, or be inherently disclosed, in the figures.

Finally, Appellant reminds the Examiner that “the failure of the specification to specifically mention a limitation that later appears in the claims is not a fatal one when one skilled in the art would recognize upon reading the specification that the new language reflects what the specification shows has been invented.” See *All Dental Prodx, LLC v. Advantage Dental Products, Inc.*, 02-1107 (Fed. Cir. 2002) noting *Eiselstein v. Frank*, 52 F.3d 1035, 1039, 34 USPQ2d 1467, 1470 (Fed. Cir. 1995). A copy of the *All Dental Prodx*

case has already been provided to the Examiner.

Accordingly, Appellant submits that, measured against the correct standard enunciated above and the disclosure of the parent application, none of the claims contain new matter. Thus, for reasons given above, reversal of the Examiner's decision to finally reject claims 1-3 and 6-21 as containing new matter is requested.

(4) The Rejection of Claim 6 Under 35 U.S.C. section 102(b) as Being Anticipated By EP '306 is in Error, the Examiner's Decision to Reject This Claim Should be Reversed, and the Application Should be Remanded to the Examiner.

Reversal of the rejection of claim 6 under 35 USC 102(b) as being anticipated by EP '306 is requested.

In the rejection, the Examiner asserted that this document discloses all the features recited in this claim. Moreover, the Examiner has explained that she may properly disregard the feature "perforated foil" apparently because Appellant has not defined the foil thickness in the specification. Appellant respectfully traverses this rejection and the assertions therein.

Appellant submits that the rejection is entirely improper because this document does not disclose all the recited features of the above-noted claim 6.

Notwithstanding the Office Action assertions as to what this document discloses,

Appellant submits that this document fails to disclose, inter alia, an acoustically transparent support element comprising *at least one layer of perforated foil oriented in a circumferential direction and having a centrifugal force resisting tensile strength, at least in the circumferential direction of the tire, wherein the centrifugal force resisting tensile strength is achieved by the at least one layer of perforated foil oriented in the circumferential direction*, as recited in independent claim 6.

Clearly, the Examiner has identified no disclosure in this document which discloses this feature. Nor is it discernable whether EP '306 even discloses any kind of perforated foil. Instead, the Examiner has chosen to disregard a feature which is clearly and positively recited. Further still, the Examiner has stated that a perforated bicycle tube discloses perforated foil. Conspicuously absent from the Examiner's analysis is any legal basis for disregarding this feature or any cases which support the Examiner's assertions. Thus, Appellant submits that this rejection is clearly and entirely improper.

Appellant additionally submits that the Examiner has set forth no legal basis for disregarding and/or for not giving patentable weight to the above-noted recited features. Appellant submits that the Examiner is not free to disregard features which describe and limit the invention. *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1306, 51 USPQ2d 1161, 1166 (Fed. Cir. 1999).

Appellant notes that, for an anticipation rejection under 35 U.S.C. § 102(b) to be

proper, each element of the claim in question must be disclosed in a single document, and if the document relied upon does not do so, then the rejection must be withdrawn.

For the foregoing reasons and because EP '306 fails to disclose the above-noted features of the instant invention, Appellant submits that EP '306 fails to disclose each and every recited feature of the instant invention. Accordingly, Appellant submits that the Examiner has failed to provide an adequate evidentiary basis to support a rejection of anticipation under 35 U.S.C. § 102(b) and that the instant rejection is improper.

Finally, Appellant submits that the Examiner has failed to set forth a *prima facie* case for anticipation, at least on the basis that the Examiner has failed to provide an English translation of this document. Indeed, the Examiner has failed to point out where in this document there is disclosure for each and every recited feature. Accordingly, should the Examiner maintain the rejection in the Examiner's Answer, Appellant respectfully requests that the Examiner provide an English translation of the applied document and point out to Appellant where in the document each and every recited feature can be found.

Thus, for reasons given above, reversal of the Examiner's decision to finally reject claim 6 is requested. Further, Appellant requests that the application be remanded to the Examiner for allowance.

Traversal of the Examiner's comments

Regarding the Examiner's comments in the Advisory Action asserting that the claims must be clear and the drawings must support the generic language of the claims, Appellant reminds the Examiner that there is no requirement that claim terms be only those that are literally recited in the specification. Moreover, the Examiner has failed to fully comprehend that it is settled canon law that claims are construed as one skilled in the art would understand them in light of the specification of which they are part. *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1575, 1 USPQ2d 1081, 1088 (Fed Cir. 1986).

I. CONCLUSION

For the reasons advanced above, Appellant submits that the rejections are erroneous and that the Examiner's decision to reject claims 1-3 and 6-21 should be reversed. Claims 1-3 and 6-21 are not indefinite and do not introduce new matter, and claim 6 patentably defines over the applied art of record.

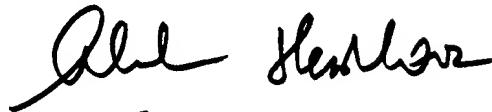
This appeal brief is being submitted in triplicate, pursuant to 37 CFR 1.192(a).

A check is enclosed in the amount of \$320.00 for payment of the fee for filing an appeal brief, as set forth in 37 CFR 1.17(c).

P20466.A09

The Commissioner is authorized to charge any additional fee, or to credit any overpayment, to Deposit Account No. 19-0089.

Respectfully submitted,
Thomas DODT et al.


Reg. No. 45,294

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Reg. No. 28,394

July 7, 2003
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Attachment: Appendix 1
Select pages of Webster's II New College Dictionary

APPENDIX

Claims on Appeal:

1. (Amended) A motor vehicle wheel comprising:

a wheel rim;

a tire having a tire interior enclosed by the wheel rim and the tire;
the tire being mounted on the wheel rim;

an insert comprising a ring-shaped sound-absorbing material;
the insert being positioned within the tire interior;

an acoustically transparent support element comprising at least one layer of fibers oriented in a circumferential direction and having a centrifugal force resisting tensile strength, at least in the circumferential direction of the tire, wherein the centrifugal force resisting tensile strength is achieved by the at least one layer of fibers oriented in the circumferential direction; and

the acoustically transparent support element being coupled to the insert.

2. (Amended) The motor vehicle wheel in accordance with claim 1, the insert having a surface open to the tire interior at least over a portion of its cross-section; and

the acoustically transparent support element wrapping the surface of the insert.

3. (Amended) The motor vehicle wheel in accordance with claim 1, the acoustically transparent support element comprising a plurality of support element layers radially arranged within the insert at discrete distances from each other.

6. (Amended) A motor vehicle wheel comprising:

a wheel rim;

a tire having a tire interior enclosed by the wheel rim and the tire;
the tire being mounted on the wheel rim;

an insert comprising a ring-shaped sound-absorbing material;

the insert being positioned within the tire interior;

an acoustically transparent support element comprising at least one layer of perforated foil oriented in a circumferential direction and having a centrifugal force resisting tensile strength, at least in the circumferential direction of the tire, wherein the centrifugal force resisting tensile strength is achieved by the at least one layer of perforated foil oriented in the circumferential direction; and

the acoustically transparent support element being coupled to the insert.

7. (Amended) The motor vehicle wheel in accordance with claim 6, the foil being isotropic.

8. (Amended) The motor vehicle wheel in accordance with claim 1, the insert being a closed ring.

9. (Amended) The motor vehicle wheel in accordance with claim 8, the closed ring comprising a strip of sound-absorbing material wrapped several times in a ring-like manner.

10. The motor vehicle wheel in accordance with claim 9, the strip having at least one side coupled to the acoustically transparent support element.

11. The motor vehicle wheel in accordance with claim 9, the acoustically transparent support element is one of glued and welded to the strip.

12. The motor vehicle wheel in accordance with claim 8, the acoustically transparent support element is one of glued and welded to the closed ring.

13. The motor vehicle wheel in accordance with claim 1, the insert comprising a plurality of radially arranged insert layers.

14. (Amended) The motor vehicle wheel in accordance with claim 13, the acoustically transparent support element comprising a plurality of support element layers; and

at least one of the support element layers is positioned between adjacent radially arranged insert layers.

15. (Amended) The motor vehicle wheel in accordance with claim 1, the insert comprising a plurality of circumferential segments joined after assembly.

16. (Amended) The motor vehicle wheel in accordance with claim 1, the acoustically transparent support element adding, at least in the circumferential direction, tension to the sound-absorbing insert.

17. The motor vehicle wheel in accordance with claim 1, wherein the insert is mounted at the wheel rim.

18. The motor vehicle wheel in accordance with claim 1, wherein the ring-shaped sound-absorbing material comprises an open-pore foamed material.

19. (Amended) The motor vehicle wheel in accordance with claim 18, wherein the open-pore foamed material comprises a polyurethane (PU) foam.

20. The motor vehicle wheel in accordance with claim 18, wherein the open-pore foamed material comprises a weight around 50 kg/m^3 and a mean pore content of approximately 2 mm^3 .

21. The motor vehicle wheel in accordance with claim 1, wherein the ring-shaped sound-absorbing material comprises at least one of a felt and an absorbing cotton.

fly-paper (fli'pä'pär) *n.* Paper coated with a sticky, occas. poison-
ous substance to catch flies.

fly-poison (fli'poi'zən) *n.* A poisonous plant, *Amianthium mu-*
nitricum of the southeastern United States, having narrow basal
leaves and a terminal cluster of small white or greenish flowers.

fly-speck (fli'spek') *n.* 1. A small, dark speck or stain made by the
excrement of a fly. 2. A minute spot.

fly-swatter *n.* A device typically consisting of a flat square of plastic
or wire mesh attached to a long handle and used to kill flies or other
insects.

fly-trap (fli'trāp') *n.* 1. A trap for catching flies. 2. A plant, as the
Venus's-flytrap, that traps insects.

fly-weight (fli'wät') *n.* A boxer of the lightest weight class, weigh-
ing 12 pounds or less.

fly-wheel (fli'hwēl', -wēl') *n.* A heavy-rimmed rotating wheel used
to minimize speed variation in a machine subject to fluctuation in
drive and load.

fm symbol for FERMUM.

fm-number (fē'num'ber) *n.* [F(OCAL LENGTH) + NUMBER.] The ratio
of focal length to the effective aperture diameter in a lens or lens sys-
tem.

foal (fôl) *n.* [ME *fole* < OE *fola*.] The young offspring of an equine
animal as a horse, esp. when under a year old. —*vi.* **foaled**, **foal-**
ing, **foals**. To give birth to a foal.

foam (fōm) *n.* [ME *fom* < OE *fām*.] 1. a. A mass of gas bubbles in a
liquid-film matrix, esp. a light, bubbly gas and liquid mass formed by
mixing a liquid containing certain soaps or detergents. b. A thick
chemically produced froth, as shaving cream or certain fire-fighting
substances. 2. a. Frothy saliva from the mouth. b. The frothy sweat of
an equine animal. 3. The sea. 4. Any of various light, bulky, more or
less rigid materials used as thermal or mechanical insulators esp. in
packaging and containers. —*vi.* a. *foamed*, **foam-ing**, **foams**.
To form or cause to form foam. —**foam-ing-ly** *adv.*

foam-flow-er (fōm'flō'ər) *n.* A woodland plant, *Tiarella cordifo-*
lia of eastern North America, with a narrow cluster of small white
flowers.

foam-rubber *n.* A light, firm, spongy rubber made by beating air
into latex with subsequent curing and used as an upholstery material
and insulating medium.

foam-y (fō'mē) *adj.* -i-er, -i-est. 1. Relating to or like foam. 2.
Consisting of or covered with foam. —**foam'i-ly** *adv.* —**foam'i-ness** *n.*

foib (fōb) *n.* [Prob. of Germanic orig.] 1. A small pocket at the front
waistline of a pair of trousers or in the front of a vest, used esp. to hold
a watch. 2. A short chain or ribbon attached to a pocket watch and
worn hanging in front of the vest or waist. 3. An ornament or seal
stitched to a watch chain.

foib (fōb) *vt.* **foibbed**, **foib-ing**, **foibs**. [ME *foibben* < *fob*, trickster,
prob. < *fob*, froth.] 1. To dispose of (goods) by fraud or deception. 2. To
put off by deceitful or evasive means.

fo-cal (fō'kal) *adj.* 1. Of or relating to a focus. 2. Positioned at or
measured from a focus. —**fo'cal-ly** *adv.*

fo-cal-infection *n.* A localized infection.

fo-cal-ize (fō'kā-liz') *vt.* *ə* *vi.* -i-ized, -i-izing, -i-zes. 1. To ad-
just or come to a focus. 2. To bring or be brought to a focus. 3. To
localize. —**fo'cal-i-za'tion** *n.*

fo-cal length *n.* The distance of a focal point from the surface of a
lens or mirror.

fo-cal point *n.* A point on the axis of symmetry of an optical system,
as a mirror or lens, to which parallel incident rays converge or from
which they appear to diverge after passing through the system.

fo-ci (fō'sē) *n.* var. pl. of **FOCUS**.

fo'e'se (fōk'sē) *n.* var. of **FORECASTLE**.

foe-cus (fō'küs) *n.* pl. -cuses or -ci (-sē') [NLat. < Lat. *hearth*.] 1.
a. A focal point. b. Focal length. c. The distinctness or clarity with
which an optical system renders an image. d. Adjustment for distinct-
ness or clarity. 2. A center of interest or activity. 3. *Pathol.* The region
of a localized bodily infection. 4. *Geol.* The point of origin of an earth-
quake. 5. *Math.* A point that together with a directrix determines a
conic section. —*v.* -cused, -cusing, -cuses or -cussed, -cus-
ing, -cuses. —*vt.* 1. a. To produce a clear image of (e.g., photo-
graphed material) by adjustment of optical equipment, as a
projection lens. b. To adjust (e.g., a lens) to produce a clear image. 2.
To concentrate <focused all my attention on finishing the job> —*vi.*
To converge at a point of focus. —**in focus**. Sharply or clearly de-
fined: **distinct**. —**out of focus**. Not sharply or clearly defined:
blurry.

fod-der (fōd'ər) *n.* [ME < OE *fōðor*.] 1. Feed for livestock, often con-
sisting of coarsely chopped stalks and leaves of corn mixed with hay.
2. a. Raw material, as for artistic creation. b. Masses of people con-
sidered as raw material for achieving a particular goal <cannon fod-
der>. —*vt.* -dered, -der-ing, -ders. To feed with fodder.

foe (fō) *n.* [ME *fo* < OE *gefā*, foe, and *fāh*, hostile.] 1. A personal en-
emy. 2. A wartime enemy. 3. An opponent <a foe of tax increases> 4.
One that opposes, injures, or impedes.

foehn also **föhn** (fēn, fān) *n.* [G. *Föhn* < OHG *phōnō* < Lat. *favō-*
nus, the west wind.] A warm, dry wind coming off the lee slopes of a
mountainrange.

foe-tal (fēt'l) *adj.* var. of **FETAL**.

foe-tid (fē'tid) *adj.* var. of **FETID**.

foe-tor (fē'tor) *n.* var. of **FETOR**.

foe-tus (fē'tos) *n.* var. of **FETUS**.

fog (fōg, fōg) *n.* [Perh. of Scand. orig.] 1. Condensed water vapor in
cloudlike masses that lie close to the ground and limit visibility. 2. A
mass of floating material, as dust or smoke, that forms an obscuring
haze. 3. Mental confusion or bewilderment. 4. A dark blur on a de-
veloped photographic negative. —*v.* **fogged**, **fog-ging**, **fogs**. —*vt.*
1. To cover or envelop with or as if with fog. 2. To cause to be obscured
: **blurred**. 3. To make uncertain or unclear : **BEWILDER**. 4. To obscure or
dim (a photographic negative) with a dark blur. —*vi.* 1. To be covered
with or as if with fog. 2. To be blurred or obscured. 3. To be dimmed
or obscured with a dark blur. —Used of photographic print or neg-
ative.

fog² (fōg, fōg) *n.* [ME *fogge*, tall grass.] 1. A second growth of grass
appearing on a mown or grazed field. 2. Tall, decaying grass left stand-
ing after the cutting or grazing season.

fog bank *n.* An opaque mass of fog sharply defined in contrast to
surrounding clearer air, esp. such a fog occurring at sea.

fog-bound (fōg'bōnd', fōg') *adj.* 1. Immobilized by heavy fog. 2.
Clouded or obscured by fog.

fog-bow (fōg'bō', fōg'-) *n.* A faint white or yellowish arc-shaped
light, similar to a rainbow, often seen opposite the sun in a fog bank.

fog-dog (fōg'dōg', fōg'dōg') *n.* A bright or clear spot in a fog bank.

fog-gey (fō'gē, fōg'ē) *n.* var. of **FOGGY**.

fog-gy (fō'gē, fōg'ē) *adj.* -gi-er, -gi-est. 1. a. Full of or covered by
fog. b. Like fog. 2. Clouded or blurred : **INDISTINCT**. 3. Bewildered and
perplexed. —**fog-gi-ly** *adv.* —**fog'gi-ness** *n.*

fog-horn (fōg'hōrn', fōg'-) *n.* 1. A horn used, as by ships, to sound
warning signals in fog or darkness. 2. A resounding, insistent voice.

fo-gy also **fo-gey** (fō'gē) *n.* pl. -gies also -geys. [Orig. un-
known.] A stodgy or old-fashioned person. —**fo'gy-ish** *adj.* —**fo'-
gy-ism** *n.*

föhn (fēn, fān) *n.* var. of **FOEHN**.

foible (fōib'l) *n.* [Obs. Fr. < obs. *foible*, weak < OFr. *feble*. — see
FEEBLE.] 1. A minor weakness or failing. 2. The weaker section of a
sword blade, from the middle to the tip.

foil¹ (fōl) *vt.* **foiled**, **foil-ing**, **foils**. [ME *foilen*, alteration of
fullen, to trample, and *filen*, to pollute, defile.] 1. To prevent from be-
ing successful : **THWART**. 2. To obscure or confuse (a trail or scent) so
as to evade pursuers. —*n.* 1. *Archaic*. A repulse : **setback**. 2. An
animal's trail or scent.

foil² (fōl) *n.* [ME < OFr. < Lat. *folium*, leaf.] 1. A thin, flexible leaf or
sheet of metal. 2. A thin layer of bright metal placed under a displayed
gem to lend it brilliance. 3. One that by strong contrast underscores
the distinctive characteristics of another. 4. The metal coating applied
to the back of a plate of glass to form a mirror. 5. A leaflike design or
space worked in stone or glass, found esp. in Gothic window tracery.
6. *Naut.* A hydrofoil. —*vt.* **foiled**, **foil-ing**, **foils**. 1. To back or
cover with foil. 2. To set off by contrast.

foil³ (fōl) *n.* [Orig. unknown.] 1. A fencing sword with a flat guard for
the hand and thin four-sided blade tipped with a blunt point to pre-
vent injury. 2. *often* **foils**. The art of fencing with foils.

foils-man (fōlz'man) *n.* One who fences with a foil : **FENCER**.

foin (fōn) *vi.* **foined**, **foin-ing**, **foins**. [ME *foinen* < *foin*, a thrust
< OFr. *foine*, three-pronged fish spear < Lat. *fuscinā*.] *Archaic*. To
thrust with a pointed weapon. —**foin** *n.*

foi-son (fōi'zən) *n.* [ME *foisoun* < OFr. *foison* < Lat. *fusio*, a pouring
< *fusus*, p. part. of *fundere*, to pour.] 1. *Archaic*. A plentiful harvest. 2.
Sct. Physical strength. 3. **foisons**. Obs. Reserves of power.

foist (fōst) *vt.* **foist-ed**, **foist-ing**, **foists**. [Dial. Du. *vuisten*, to
introduce a palmed die surreptitiously < *vuist*, fist.] 1. To pass off as
real, valuable, or worthy. 2. To impose upon another by coercion or
trickery. 3. To insert fraudulently or deceitfully <foisted unfair pro-
visions into the contract>

fo-late (fō'lāt') *n.* [FOLIC ACID] + -ATE.] Folic acid.

fold¹ (fōld) *v.* **fold-ed**, **fold-ing**, **folds**. [ME *folden* < OE *faldan*.]
—*vt.* 1. To bend over or double up so that one part lies on top of
another part <fold a sheet of paper> 2. To make compact by suc-
cessively bending over parts <folded up the cot> 3. To bring from an
extended to a closed position <The eagle folded its wings> 4. To
place together and intertwine <fold one's arms> 5. To clasp or en-
twine 6. To mix in (a cooking ingredient) by slowly and
gently turning one part over another <folded the egg whites into the
batter> —*vi.* 1. To become folded. 2. *Informal*. To fail financially
<Their business folded> 3. *Informal*. a. To give in : **YIELD**. b. To
weaken or collapse from exertion. —*n.* 1. An act or instance of fold-
ing. 2. One part folded over another. 3. The space at the junction of
two folded parts. 4. A hollow or dale in hilly or mountainous country.
5. *Geol.* A bend in a stratum of rock. 6. A coil, as of a snake. 7. *Anat.*
A crease apparently formed by folding, as of a membrane. —**fold-**
able *adj.*

ing, -march·es. To count. n. A measure taken.

. A tunnel dug to intercept an explosive charge placed to frustrate or defeat.

tin·ing, -mines. -vt.

To frustrate or defeat.

wn countermines.

move countering another.

-mov·ing, -moves.

e·ment n.

'siv) n. A massive military.

n. An offer made in return.

ation of obs. counterpoint.

One remarkably similar s and characteristics as complete each other. b. Some

<a wine that is a per-

A plaintiff's answer to a

ot intended to frustrate n.

plot·ted, -plot·ting

. Mus. a. Melodic mat-

b. The technique of com-

way that they establish

ir linear individuality.

apuntal writing. 2. A com-

me.

A counterbalancing we-

ally counteracts another.

-oised, -ois·ing, -oin-

COUNTERBALANCE. 2. To

SET.

o-dük'tiv) adj. Hindering.

in·ter·pro·duc·tive·

'zal) n. A proposal made

. A countering attack.

ef·ar-má'shon) n. A refor-

vement within the Roman

testant Reformation.

w'·e-löö'·shen) n. A move-

and aiming to restore the

-coun·ter·rev'o·lu-

1·ter·rev'o·lu·tion·at

An intermediate shaft

belt drive.

ned, -sign·ing, -sign-

for authentication.

previously signed document.

a sentry in order to obtain

signal given in response.

'na-chor) n.

A hole with the top part

with or below the surface.

-sunk (sungk') -sink

a or in. 2. To drive (a scat-

y engaged in counterres-

stain of a contrasting color

hose microscopic specimen

the principal stain.

. An adult male voice with

it a countertenor voice.

r-väl') v. -vailed, -vail-

utrevaloir: contre, counter-

] -vt. 1. To act against

take up for: COMPENSATE

influence or power.

) vt. -weighed, -weigh-

se to counterbalance.

counter·weight (koun'ter-wäit') n. A weight used as a counterbalance. -coun·ter·weight'ed (-wä'tid) adj.

counter word n. A word, as nice or awful, frequently used without regard to its precise meaning.

count·ess (koun'tis) n. [ME countes < OFr. contesse, fem. of conte, count. - see COUNT] 1. a. The wife or widow of a count in various European countries. b. The wife or widow of an earl in Great Britain.

2. A woman holding the title of count or earl in her own right.

count·ing·house (koun'ting-hous') also COUNTING HOUSE n.

An office in which a company carries on operations such as accounting

and correspondence.

counting room n. A countinghouse.

count·less (kount'lis) adj. Too numerous to be counted: INFINITE.

-count·less·ly adv.

count noun n. A noun, as chair or pea, that can form a plural and be used in a noun phrase construction with the indefinite article, with such terms as many, or with numerals.

count palatine n. PALATINE¹ 3.

count·ri·fied also coun·try·fied (koun'tri-fid') adj. 1. Resembling or typical of country life: RUSTIC. 2. Lacking in sophistication.

count·ry (koun'trē) n., pl. -tries. [ME countre < OFr. contree < LLat. contrata < Lat. contra, opposite.] 1. A large tract of land distinguishable by features of topography, biology, or culture <farm country> 2. An area outside cities and towns. 3. a. A nation or state. b. The territory of a nation or state: LAND. c. The people of a nation or state. 4. The land of a person's birth or citizenship. 5. Law. A jury.

country and western n. Country music.

country club n. A club with facilities for golf and other outdoor sports and social activities.

country cousin n. One whose ingenuousness or rustic ways may

embarrass or amuse city dwellers.

country-dance (koun'trē-däns') n. A folk dance originating in England in which two lines of dancers face each other.

country·fied (koun'tri-fid') adj. var. of COUNTRYFIED.

country gentleman n. 1. The owner of a country estate. 2. often Country Gentleman. A corn with small, sweet white kernels.

country·man (koun'trē-män) n. 1. A person from one's own country: COMPATRIOT. 2. A person from a specific country. 3. A man who lives in the country.

country music n. A style of popular music based on folk music of

the rural United States, esp. of the southern or southwestern United

States.

country·seat (koun'trē-sët') n. An estate or house in the country.

country·side (koun'trē-sid') n. 1. A rural region. 2. The residents

of a rural region.

country·wom·an (koun'trē-wööm'an) n. 1. A woman from one's own country: COMPATRIOT. 2. A woman from a specific country. 3. A woman who lives in the country.

country·ty (koun'ty) n., pl. -ties. [ME counte, territorial division < AN counte < OFr. conte, the territory of a count < Med. Lat. comitatus < LLat. an office of state < Lat. retinue < comes, companion.]

1. An administrative subdivision of a U.S. state. 2. A British or Irish

territorial division having administrative, judicial, and political pow-

ers and functions. 3. The people living in a county. 4. The territory

under the jurisdiction of a count or earl.

county fair n. A fair usu. held every year in a county.

county palatine n. The domain of a count palatine.

county seat n. A municipality that is the center of government in

its county.

county town n. Chiefly Brit. A county seat.

coup (koo') n., pl. coups (kooz) [Fr. stroke < OFr. < Lat. colpus < Lat. colaphus < Gk. kolaphos.] 1. A brilliantly conceived and execut-

ed stratagem: MASTERSTROKE. 2. A coup d'état.

coup de grâce (koo' dä gräz') n. [Fr. : coup, stroke + de, of + grâce, mercy.] 1. A deathblow delivered to end the misery of one that is mor-

ally wounded. 2. A finishing or decisive act or event.

coup de main (koo' dä män') n. [Fr. : coup, stroke + de, of + main, hand.] A sudden action to surprise an enemy.

coup d'é·tat (koo' dä-tä') n. [Fr. : coup, stroke + de, of + état, state.] A sudden overthrow of a government in deliberate violation of

constitutional forms by a group of persons in or previously in positions

of authority.

coup de thé·â·tre (koo' dä tä-ä-trä) n. [Fr. : coup, stroke + de, of

théâtre, theatre.] A sudden, unexpected, and dramatic event, esp.

one that reverses a given situation.

coup d'œil (koo' dä'ye) n. [Fr. : coup, stroke + de, of + œil, eye.]

A quick survey or glance.

coupe¹ (koo') n. [Fr. cup < LLat. cuppa.] 1. a. A dessert of ice cream

or fruit-flavored ice, garnished and served in a special dessert glass. b.

The tall, narrow, usu. stemmed glass in which a coupe is served. 2. A

shallow, bowl-shaped dessert dish.

coupe² (koo') n. var. of COUPE 2.

coupé (koo-pä') n. [Fr. < p. part. of couper, to cut < coup, blow.

1. A closed four-wheel carriage with two seats inside and

one outside. 2. also coupe (koo-pä). A closed automobile with two doors.

cou·ple (küp'äl) n. [ME < OFr. < Lat. copula, bond.] 1. Two items of the same kind: PAIR. 2. Something that unites or connects two things together: LINK. 3. (sing. or pl. in number). a. Two people united, as by marriage or betrothal. usage: When referring to two people who form a social unit, couple may be used with either a singular or a plural verb. Whatever the choice, usage should be consistent: The newlywed couple is (or are) spending its (or their) honeymoon in Europe. b. Two people together. 4. A few: some <a couple of hours> 5. Physics. A pair of forces of equal magnitude acting in parallel but opposite directions, capable of causing rotation but not translation. —v. -pled, -pling, -ples. —vt. 1. To link together: CONNECT <coupled my excuse with an apology> 2. a. To join as spouses: MARRY. b. To join in sexual union 3. Elect. To link (two circuits or currents) as by magnetic induction. —vi. 1. To form pairs: JOIN. 2. To copulate. 3. To unite chemically.

* syns: COUPLE, BRACE, DOUBLET, PAIR n. core meaning: two of the same kind together <a couple of songs> Couple also can mean two closely associated persons <a married couple> PAIR stresses the close association and often reciprocal dependence of things <a pair of gloves>; sometimes it means a single thing with two interdependent parts <a pair of scissors> BRACE and DOUBLET refer to two like things <a brace of pistols> <a doublet of grouse shot on the moors>

cou·pler (küp'lar) n. 1. One that couples. 2. A device for coupling two railroad cars. 3. A device connecting two organ keyboards so they may be played together.

cou·plet (küp'lit) n. [OFr. dim. of couple, couple.] 1. A unit of verse made up of two successive lines, usu. rhyming and having the same meter. 2. Two similar things: PAIR.

cou·pling (küp'ling) n. 1. The act or process of forming couples. 2. The act of copulating. 3. Something that unites or connects, as a railroad coupler. 4. The part of the body connecting the hindquarters and forequarters of a four-footed animal.

cou·pon (koo'pōn', kyoo'-) n. [Fr. < OFr. colpon, piece cut off < colper, to cut < coup, blow. - see coup.] 1. A negotiable certificate attached to a bond that represents a sum of interest due. 2. a. A detachable part, as of a ticket or advertisement, entitling the bearer to specific benefits, as a gift or cash refund. b. A printed form, as in an advertisement, used for ordering merchandise or requesting information. 3. A detachable slip calling for periodic payments, as for merchandise bought on an installment plan.

cou·rage (kür'ij, kür'-) n. [ME corage < OFr. < cuer, heart < Lat. cor.] The quality or state of mind or spirit enabling one to face danger or hardship with confidence and resolution: BRAVERY.

cou·ra·geous (kä-rä'jəs) adj. Having or marked by courage: BRAVE.

-cou·ra·geous·ly adv. -cou·ra·geous·ness n.

cou·rante (koo-ränt') n. [Fr. < fem. pr. part. of courir, to run < OFr. courre < Lat. currere.] 1. A 17th cent. French dance in which running and gliding steps are performed to an accompaniment in triple time. 2. The second movement of the classical suite, typically following the allemande.

cour·gette (koo-räzh'ët') n. [Dial. Fr. dim. of course, gourd < OFr. < Lat. cucurbita.] Chiefly Brit. A zucchini.

cou·ri·er (koo'ri-ä, kür', kür'-) n. [OFr. courrier < Oltal. corriere < correre, to run < Lat. currere.] 1. A messenger, esp. one on official diplomatic business. 2. A personal attendant hired to make arrangements for a journey.

cour·lan (koo'rlän) n. [Fr., alteration of courliri < Galibi kurliri.] The limpkin.

course (kôrs, kôr') n. [ME cours < OFr. < Lat. cursus < currere, to run.] 1. Onward movement in a particular direction: PROGRESS. 2. The direction of continuing movement <sailed a westward course> 3. The route or path taken by something, as a river, that moves or flows. 4. A designated section of land or water on which a race is held or a sport played <a golf course> 5. Movement in time: DURATION <in the course of a week> 6. A way of acting or behaving <chose the wisest course> 7. A typical or normal manner of proceeding: regular development. 8. A systematic or orderly succession: SEQUENCE <a course of therapeutic treatments> 9. A continuous layer of building material, as brick or tile, on a roof or wall of a structure. 10. a. A body of prescribed studies constituting a curriculum and leading toward an advanced degree. b. A unit of such a curriculum. 11. A portion of a meal served as a unit at one time. 12. The lowest sail on a mast of a square-rigged ship. 13. A point on the compass, esp. the one toward which a ship is sailing. —v. coursed, coursing, courses. —vt. 1. To move rapidly through or over: TRAVERSE <ships coursing the open seas> 2. a. To hunt (game) with hounds. b. To set (hounds) to follow game. —vi. 1. To follow a direction. 2. a. To move rapidly: RACE. b. To run: flow <tears coursing down one's cheeks> 3. To hunt game with hounds. —in due course. At the right or proper time. —of course. 1. In the natural order of things: NATURALLY. 2. Having no doubt: CERTAINLY.

cours·er¹ (kôr'sär, kôr'-) n. A dog trained for coursing.

cours·er² (kôr'sär, kôr'-) n. A swift horse: CHARGER.

cours·ing (kôr'sing, kôr'-) n. The sport of hunting with dogs

trained to chase game by sight instead of scent.

court (kôrt, kôrt) n. [ME < OFr. cort < Lat. cohors.] 1. A tract of open

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at-o-my² (ăt'ə-mē) *n., pl. -mies.* [*< an atom*, respelling of **ANATOMY**.] *Archaic.* A gaunt person or a skeleton.

a-to-nal (ăt'ə-năl) *adj.* *Mus.* Having apparently no key or tonality.

— *a-to-nal-ly adv.*

a-to-nal-ism (ăt'ə-năl'iz'əm) *n. Mus.* 1. The lack of a tonal center or key as a principle of musical composition. 2. The theory of atonal composition.

a-to-nal-i-ty (ăt'ə-năl'ĭ-tē) *n.* A style of musical composition in which tonal center or key is disregarded.

at once *adv.* 1. At one time : **SIMULTANEOUSLY**. 2. Immediately <left at once when we heard the news>

a-tone (ă-tōn') *v.* **a-toned**, **a-ton-ing**, **a-ton-es**. [*ME atonen*, to be reconciled < *at one*, in agreement : *at*, *at + one*, *one*.] — *vi.* 1. To make amends, as for a fault or sin. 2. *Archaic.* To agree. — *vt.* *Archaic.* 1. To expiate. 2. To reconcile or harmonize. 3. To conciliate : **APPEASE**. — *a-ton'a-ble adj.* — *a-ton'e-ble adj.*

▲ **word history:** The derivation of *atone*, from *at* and *one*, has been obscured somewhat by the fairly recent change in the pronunciation of *one*. *One* used to be pronounced like *own*, but since the 17th century it has been pronounced like *won*, the past tense of *win*. The older pronunciation survives in *alone*, *lone*, *lonely*, and *only* in addition to *atone* and its derivatives, the new pronunciation occurs in *once*.

a-tone-ment (ă-tōn'mənt) *n.* 1. Amends made for an injury or wrong : **EXPIATION**. 2. In the Hebrew Scriptures man's reconciliation with God after having transgressed the covenant. 3. **Atonement**. a. The redemptive life and death of Christ. b. The reconciliation of God and man thus brought about by Christ. 4. *Christian Science*. The radical obedience and purification, exemplified in the life of Jesus, by which humanity finds oneness with God. 5. *Archaic.* Reconciliation : **concord**.

a-ton-ic (ă-tōn'ik) *adj.* [*Fr. atonique* < *Gk. atonos*. — see **ATONY**.] 1. Not accented, as words and syllables. 2. *Pathol.* Relating to, caused by, or marked by atony. — *n.* An unaccented word, syllable, or sound.

— *a-ton'ic'i-ty* (ăt'ə-ni'si-tē) *n.*

at-o-ni (ăt'ə-nē) *n.* [*Lat. atonia* < *Gk. < atonos*, slack : *a-*, without + *tonos*, stretching, tone.] 1. Insufficient muscular tone. 2. Lack of accent or stress in phonetics.

a-top (ăt'əp) *adv.* On or at the top. — *prep.* On top of. — *a-top' adj.*

-ator suff. [*ME -atour* < *OFr. < Lat. -ator* : *-atus*, *-ate* + *-or*, *-or*.] One that acts in a given manner : *radiator*.

-atory suff. [*ME < Lat. -atorius* : *-atus*, *-ate* + *-oriūs*, *-ory*.] 1. a. Of or relating to <*perspiratory*>. b. Tending to <*amendatory*>. 2. One that is connected with <*reformatory*>.

ATP (ăt'ē-pē') *n.* [*A(DENOSINE) T(RI)P(HOSPHATE)*.] An adenosine-derived nucleotide, $C_{10}H_{16}N_5O_{13}P_3$, that supplies energy to cells through its conversion to ADP.

ATP-ase (ăt'ē-pē'ās) *n.* An enzyme that hydrolyzes ATP.

a-tra-bil-i-ous (ăt'ə-bil'ē-yəs) *also a-tra-bil-i-ar* (ăt'ə-bil'ē-ər) *adj.* [*< Lat. atra bilis*, black bile, transl. of *Gk. melankholia*. — see **MELANCHOLY**.] 1. Inclined to melancholy. 2. Ill-tempered : surly. — *a-tr'a-bil'i-ous-ness* *n.*

A-treus (ăt'rōōs', ăt'rē-əs) *n.* [*Gk.*] *Myth.* A king of Mycenae, father of Agamemnon and Menelaus.

a-tri-a (ăt'rē-ə) *n.* *var. pl. of ATRIUM.*

a-tri-o-ven-tric-u-lar (ăt'rē-ō-vēn-trik'yo-lär) *adj.* Of or relating to the atria and the ventricles of the heart.

a-trip (ăt'ri-p') *adj.* *ə adv.* Just clear of the bottom, as an anchor.

a-tri-um (ăt'rē-əm) *n., pl. a-tri-a (ăt'rē-ə) or -ums.* [*Lat. atrium*.] 1. a. A central courtyard, as in ancient Roman houses. b. A multistoried central court, as in a hotel, often having a skylight. 2. A bodily cavity or chamber, as in the heart. — *a-tri-al adj.*

a-tro-cious (ăt'rō-shəs) *adj.* [*< Lat. atrocus*, atroc, cruel.] 1. Extremely evil or cruel : **MONSTROUS** <*an atrocious felony*>. 2. Exceptionally bad : **ABOMINABLE** <*an atrocious cooking*> <*atrocious rudeness*>. — *a-tro-cious-ly adv.* — *a-tro-cious-ness* *n.*

a-troc-i-ty (ăt'rōs'-i-tē) *n., pl. -ties.* 1. Atrocious condition, quality, or behavior. 2. An atrocious action, situation, or object : **OUTRAGE**.

at-ro-phy (ăt'rō-fē) *n., pl. -phies.* [*Lat. atrophia* < *Gk. < atro-phiōs*, ill-nourished : *a-*, without + *trophē*, food.] *Pathol.* The emaciation or wasting away of bodily tissues or organs. 2. A diminution or degeneration <*moral atrophy*>. — *v.* *-phied*, **-phy-ing**, **-phies**. — *vt.* To affect with atrophy. — *vi.* To waste away : **WITHER**. — *a-troph'ic* (ăt'rōf'ik), *at'-ro-phous* *adj.*

at-ro-pine (ăt'rō-pēn', -pin) *also at-ro-pin* (-pin) *n.* [*G. Atropin* < *NLat. Atropa*, genus name of belladonna < *Gk. atropos*, unchangeable.] An extremely poisonous, bitter, crystalline alkaloid, $C_{17}H_{21}NO_3$, derived from belladonna and related plants and used to dilate the pupil of the eye and as an anesthetic and antispasmodic.

At-ro-pos (ăt'rō-pōs', -pōs) *n.* [*Gk. < atropos*, inexorable.] *Gk. Myth.* One of the three Fates.

at-tach (ăt'ăch') *v.* **-tached**, **-tach-ing**, **-tach-es.** [*ME attachen* < *OFr. attachier*, of Germanic orig.] — *vt.* 1. To fasten on or affix to : connect or join. 2. To connect as an adjunct or associated part. 3. To add, as a signature. 4. To ascribe or assign <attached no importance to the incident>. 5. To bind by personal ties, as of affection or loyalty <very attached to their pets>. 6. To appoint officially. 7. To assign

(personnel) to a military unit on a temporary basis. 8. *Law.* To seize (persons or property) by legal writ. — *vi.* To adhere. — *at-tach'a-ble adj.* — *at-tach'er n.*

* **syns:** **ATTACH**, **AFFIX**, **CLIP**, **CONNECT**, **COUPLE**, **FASTEN**, **FIX**, **MOOR**, **SECURE** *v.* **core meaning:** to join one thing to another <the hinges to which the door is attached> **ant:** **DETACH**

at-ta-ché (ăt'ă-shă', ă-tă-shă') *n.* [*Fr. < p.part. of attachier, to attach.*] One officially assigned to the staff of a diplomatic mission to serve in a given capacity <a commercial attaché>

attaché case *n.* A briefcase resembling a small suitcase, with hinges and flat sides.

at-tach-ment (ăt'ăch'mənt) *n.* 1. The act of attaching or condition of being attached. 2. Something, as a tie, band, or fastening, that joins one thing to another. 3. A bond of affection or loyalty. 4. A supplementary part : **ACCESSORY** <a vacuum cleaner with attachments>. 5. *Law.* a. The legal seizure of a person or property. b. The writ ordering an attachment.

at-tack (ăt'ăk') *v.* **-tacked**, **-tack-ing**, **-tacks.** [*Fr. attaquer* < *OFr. < Oltal. attaccare*, of Germanic orig.] — *vt.* 1. To set upon with violent force. 2. To criticize strongly or in a hostile manner. 3. To start work on with purpose and vigor <attack a backlog of orders>. 4. To begin to affect harmfuly. — *vi.* To launch an attack. — *n.* 1. The act of attacking : **ASSAULT**. 2. The occurrence or onset of a disease. 3. The initial movement in a task or undertaking. 4. *Mus.* The way in which a passage or phrase is begun. — *at-tack'er n.*

* **syns:** **ATTACK**, **ASSAULT**, **BESET**, **HIT**, **STRIKE** *v.* **core meaning:** to set upon with violent force <enemy troops attacking our positions>

at-tain (ăt'ăin') *v.* **-tained**, **-tain-ing**, **-tains.** [*ME atteignen* < *OFr. ataindre*, to reach to < *Lat. attingere* : *ad.*, to + *tangere*, to touch.] — *vt.* 1. To gain or accomplish by mental or physical effort <attain an objective>. 2. To arrive at <attained the mountaintop>. — *vi.* To succeed in gaining or accomplishing <attained to the presidency>. — *at-tain'a-ble adj.* — *at-tain'a-ble-ness n.* — *at-tain'a-ble adj.*

at-tain-der (ăt'ăin'dər) *n.* [*ME attendre*, conviction < *OFr. ataindre*, to convict, affect. — see **ATTAIN**.] *Law.* 1. The loss of all civil rights legally consequent to a death sentence or to outlawry, esp. for treason. 2. *Archaic.* Dishonor.

at-tain-ment (ăt'ăin'mənt) *n.* 1. The act of attaining or condition of being attained. 2. Something attained.

at-taint (ăt'ănt') *vt.* **-taint-ed**, **-taint-ing**, **-taints.** [*ME ataynien* < *OFr. ataint*, p.part. of *ataindre*, to affect. — see **ATTAIN**.] 1. *Law.* To condemn by a sentence of *attainder*. 2. *Archaic.* To disgrace 3. Obs. To accuse. — *n.* 1. *Attainer*. 2. *Archaic.* A disgrace. — *at-tar* (ăt'ăr) *n.* [*Pers. 'atir*, perfumed by *Az* 'utir, pl. of 'iz, perfume. A fragrant essential oil or perfume obtained from the petals of flowers as roses.

at-tempt (ăt'ēmpt') *vt.* **-tempt-ed**, **-tempt-ing**, **-tempts.** [*ME attempten* < *OFr. attempter* < *Lat. attemptare* : *ad.*, to + *temptare*, to test.] 1. To try to do, make, or achieve. 2. *Archaic.* To tempt. 3. *Archaic.* To attack in order to subdue. — *n.* 1. An effort or try. 2. An attack or assault, as on one's life. — *at-tempt'a-ble adj.* — *at-tempt'er n.*

at-tend (ăt'ēnd') *v.* **-tend-ed**, **-tend-ing**, **-tends.** [*ME attendei* < *OFr. atendre* < *Lat. attendere*, to heed : *ad.*, to + *tendere*, to stretch.] — *vt.* 1. To be present at. 2. To accompany as a circumstance or follow as a result <The announcement was attended by cheers>. 3. a. To accompany or wait on as an attendant or servant. b. To take care of (e.g., a patient). 4. To take charge of. 5. To listen to : **HEED**. 6. *Archaic.* To wait for : **EXPECT**. — *vi.* 1. To be present. 2. To apply or direct oneself <attended to the difficulty>. 3. To pay attention : **HEED**. 4. To remain ready to serve : **WAIT** <attend upon the queen>. 5. Obs. To delay or wait. — *at-tend'er n.*

at-ten-dance (ăt'ēn'dəns) *n.* 1. The act of attending. 2. Those that attend.

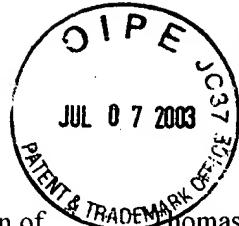
at-ten-dant (ăt'ēn'dənt) *n.* 1. One who attends or serves another. 2. One who is present. 3. One that accompanies : **COMPANION**. — *ad.* Accompanying or following as a result <the flu and attendant miseries>. — *at-tend'an'tion-ly adv.*

at-ten-tion (ăt'ēn'shən) *n.* [*ME attencion* < *Lat. attentio* < *a-tendere*, to heed. — see **ATTEND**.] 1. Close or careful observation : heed : **MENTAL CONCENTRATION**. 2. The ability or power to concentrate mentally. 3. Observant consideration : **NOTICE** <Your complaint has come to my attention>. 4. Courtesy or considerate regard, as for others' feelings. 5. **ATTENTIONS.** Acts of courtesy, consideration, or gallantry, esp. by a suitor. 6. A military posture, with the body erect, eyes to the front, arms at the sides, and heels together. — *Used as a command.* — *at-ten'tion-al adj.*

attention deficit disorder *n.* A childhood syndrome characterized by hyperactivity and short attention span.

attention key *n.* **Computer Sci.** A function key on terminals that interrupts program execution by the central processing unit.

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In re application of Thomas DODT et al.

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1733 AFV
Attorney Docket No. P20466

Serial No. : 09/800,477

Filed : March 8, 2001

For : MOTOR VEHICLE WHEEL WITH A TIRE PLACED ON A WHEEL RIM AND A SOUND-ABSORBENT INSERT AS WELL AS A PROCESS FOR MANUFACTURING A SOUND-ABSORBENT INSERT

JUL 10 2003

TC 1700

Group Art Unit: 1733

Examiner: A. C. Johnstone

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Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is an appeal brief (in trip.) in the above-captioned application.

- Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.
- A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.
- An Information Disclosure Statement, PTO Form 1449, and references cited.
- No additional fee is required.
- Appendix 1 Select pages of Webster's II New College Dictionary.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 21	21	0	x 9=	\$	x 18=	\$0.00
Indep. Claims: 2	3	0	x 42=	\$	x 84=	\$0.00
Multiple Dependent Claims Presented			+140=	\$	+280=	\$0.00
Appeal Brief fee				\$		\$320.00
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Please charge my Deposit Account No. 19-0089 in the amount of \$_____.

A Check in the amount of **\$320.00** to cover the filing fee is included.

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Any additional filing fees required under 37 C.F.R. 1.16.

Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 CFR 1.136)(a)(3).

Neil F. Greenblum
Reg. No. 28,394

445 294

Abel Heaton